REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office Action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office Action, the Office noted that claims 1-30 are pending, and are rejected. The Applicants amend claims 16-30 as set forth above. No new matter has been added by way of the amendment.

In view of the above amendments and following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or unpatentable under the provisions of 35 U.S.C. §101. Thus, the Applicants believe that all of these claims are now in condition for allowance.

REJECTIONS

A. Response to §101 Rejection of Claims 16-30

The Office rejected claims 16-30 under 35 U.S.C. §101 for claiming non-statutory subject matter. More particularly, the Office rejected claims 16-30 because the terms "a carrier medium comprising program instructions executable to implement the method" raise a question as to whether the subject matter is patentable. The Applicants respectfully traverse this rejection.

The Applicants amend claims 16-30 (as set forth above and in accordance with the Office's suggestion) to now recite a computer readable-medium comprising executable instructions that, when executed by a processor, cause the processor to perform a method of pre-allocating a plurality of data object replicas. As such, the Applicants submit that the claims 16-30, as amended, recite patentable subject matter. Therefore, the Applicants submit that claims 16-30, as amended, fully satisfy the requirements of 35 USC §101 and are patentable thereunder. Accordingly, the Applicants respectfully request that the rejection be withdrawn.

B. Response to §102(e) Rejection of Claims 1-30

The Office rejected claims 1-30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0093441 granted to Cooke et al. ("*Cooke*"). The Applicants respectfully traverse this rejection.

The Applicants claim a system for <u>pre-allocating</u> replicas for a distributed file sharing system. In independent claim 1, for example, the system includes a first node from a plurality of nodes that is operable to <u>pre-allocate</u> a plurality of data object replicas. This first node satisfies a request to create a first data object using the <u>pre-allocated</u> data object replicas responsive to receiving the request after <u>pre-allocating</u> the replicas. More specifically, independent claim 1 recites:

> "A system comprising:
> a network;
>   a plurality of computing nodes coupled via the network;
>   wherein <u>a first node from the plurality of nodes is operable to pre-allocate a plurality of data object replicas</u>;
>   wherein <u>the first node is operable to use the plurality of data object replicas to satisfy a request to create a first data object in response to receiving the request after said pre-allocating the replicas</u>" (emphasis added).

Each of the independent claims 12, 16 and 27 recite similar elements to those recited in independent claim 1. As such, the following discussion presented with respect to the independent claim 1 also applies to each of the independent claims 12, 16 and 27.

In contrast to the claimed invention, *Cooke* discloses a system for managing identifiers in a database replication network having a global ID space, an ID administrator associated with the global ID space and a replica database having a replica ID manager, wherein the ID administrator <u>allocates</u> a new range of IDs to the replica <u>responsive to a request from the replica ID manager for the new range of IDs</u>. To this end, the Applicants note that *Cooke* states:

> "A <u>system for managing identifiers in a database replication network</u> which includes a database with data items, and a <u>global ID space</u> including a number of identities (IDs) for identifying data items. <u>A replica of the database</u> includes an existing range of IDs allocated to the replica from the global ID space, and <u>a replica ID manager for requesting a new range of IDs allocated to the replica from the global ID space when a threshold is</u>

reached. The replica ID manager adjusts the threshold based upon usage of IDs by the replica, calculates a size of the new range of IDs based upon an ID usage rate of the replica, and includes the size in the request. An ID administrator associated with the global ID space allocates a new range of IDs to the replica in response to the request, thereby providing unique global IDs to data items in replicas of database" (emphasis added). *Cooke*, at Abstract.

As can be readily discerned from the above listed quote (and the rest) of *Cooke*, the Applicants submit that *Cooke* discloses that its system allocates a new range IDs to its replica **in response to the request**. Clearly, this is not the same as the claimed combination of elements *wherein* (i) *a first node is operable to pre-allocate a plurality of data object replicas* and (ii) *the first node is operable to use the plurality of data object replicas to satisfy a request to create a first data object* in response to receiving the request *after said pre-allocating the replicas*. By pre-allocating the data object replicas the presently claimed invention may beneficially decrease a latency of the request to create the first data object by enabling the first node to satisfy the request without performing replica allocation in response to the request.

In light of the foregoing, the Applicants submit that *Cooke* fails to disclose all of the elements of the independent claim 1, including the combination of elements *wherein* (i) *a first node is operable to pre-allocate a plurality of data object replicas* and (ii) *the first node is operable to use the plurality of data object replicas to satisfy a request to create a first data object* in response to receiving the request after *said pre-allocating the replicas*. Since *Cooke* lacks at least one element of the independent claim1, the Applicants submit that *Cooke* does not anticipate independent claim 1 under 35 USC §102(e).

Each of the independent claims 12, 16 and 27 recite similar features as those featured in independent claim 1. For the reasons discussed above, the Applicants submit that *Cooke* does not anticipate independent claims 12, 16 and 27 under 35 USC §102(b).

Claims 2-11, 13-15, 17-26 and 28-30 depend, either directly or indirectly, from one of the independent claims 1, 12, 16 and 27. Since the Applicants submit that *Cooke* fails to anticipate the independent claims 1, 12, 16 and 27 for the reasons set above, the Applicants further submit that *Cooke* likewise fails to anticipate each of the

dependent claims 2-11, 13-15, 17-26 and 28-30. Thus, the Applicants submit that the claims 1-30 fully satisfy the requirements of 35 USC §102, and therefore, are allowable.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or unpatentable under the provisions of 35 U.S.C. §101. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 732-978-4899 or the office of the undersigned attorney at 732-978-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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